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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June 1998

B e f o r e

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

W.P.No:9518/1997

BETWEEN:

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1. Sri.Purushothama, s/o Madalaih;
2. Sri.Puttaswamy, s/o Govinde Gowda;
3. Sri.Ramesha, s/o Veeranna;
4. Sri.Puttamade Gowda, s/o Ninge Gowda;
5. Sri.Siddaraju, s/o Sidde Gowda;
6. Sri.M.Krishnappa, s/o Veeranna;
7. Patel Chikka Veeranna Gowda, s/o Kade Gowda;
8. Smt.Jayamma, w/o late M.P.Mallappa;
9. Sri.Thammaiah, s/o late Veeranna;
- 10.Sri.M.Shivaramu, s/o M.P.Putta-swamy Gowda;
11. Sri.M.M.Mallesha Gowda, s/o. Mari Gowda,
12. Sri. Mallikarjuna Gowda, s/o. Doddathammana Gowda;
13. Sri.Shivamallappa, s/o Mallikar-juna Gowda.
14. Sri.Govinda Gowda, s/o Karigowda;

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15. Sri.Chikkaraju, s/o Mallikarjuna Gowda.

16. Sri.Marigowda, s/o Veeranna.

(Petitioners-1 to 16 are majors
All residing at Madapura, Vipuakshapura hobli, Channapatna taluk, Bangalore District.)

... Petitioners;

(By Sri. M.N.Seshagiri)

AND:

1. State of Karnataka,
Department of Revenue Vidhana
Soudha, Bangalore-1,
by its Secretary.

2. The Deputy Commissioner,
Bangalore Rural District,
Podium Block, Bangalore-1.

3. The Assistant Commissioner,
Ramanagaram sub-division,
Ramanagaram, Bangalore Dist.

4. The Tahsildar, Channapatna
taluk, Channapatna.

5. Bangahalli Villa Panchayat,
Banganahalli, Virupakshapura hobli,
Channapatna taluk, by its Secretary,
President.

... Respondents;

(Sri. K. Nagaraja, HCGP for R1 to R4.
R-5 served.)

Writ Petition is filed under Arts.226 and 227 of the Constitution of India praying to quash the resolution dated 6-2-1996 passed by the 5th respondent (Annexure-E), and to direct respondents-2 to 4 not to change the character of katta in any manner or effect changes in the revenue records but to retain the katta in its present form in sy.No.126 of Madapur village, Bangalore Dist.

This petition coming on for preliminary hearing in B group this day, the Court made the following:-

O R D E R

The petitioners are the residents of Madapura village, Channapatn¹ataluk, Bangalore District. The land in survey No.126 measures 3 acres 11 guntas, is classified as Sarkari Katte in the revenue records. It is the case of the petitioners that since the said land is classified as Sarkari katte the village Panchayat has no power whatsoever to pass the resolution to effect the entry in the revenue records to the effect that sites have been formed in the said land on the ground the said land has been acquired by the State Government in the year 1984 and distributed 74 sites on formation of the layout. The State Government has not filed any statement of¹ objections stating the said land is ~~on~~ Sarkari katte or it has been acquired by the State Government for the¹ purpose of formation of sites. If the said land is a Government land there is no reason for the State Government to acquire the same. But if it is a private land no doubt the same can be acquired for a public purpose. The entries in the revenue records are presumed to be true until the contrary is proved, as per the provisions of the Karnataka Land Revenue Act, Further,

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if the land is a sarkari katte without de-reserving the same, the same shall not be available for formation of residential sites. The resolution, if any, passed by the Gram Panchayat does not in any way affect the nature of the land. Therefore, the Tahsildar-respondent No.4 is directed to retain the said land as Sarkari Katte if the sites have not been formed and distributed to the villagers. If the State Government or any other Authority has formed the layout and distributed the sites to the villagers then no steps be taken by the Tahsildar to cancel the allotment of sites.

2) With the above observations, writ petition is disposed of.



Sd/-
JUDGE

Hsf.